

IN THE DRAWINGS

The attached sheet of drawings includes new Fig. 3 and 4.

Attachment: Sheet of new Fig. 3 and 4.

REMARKS/ARGUMENTS

Claims 1-4, 6-24, and 27-28 are pending.

Claims 1, 3, 7, 13, 19 and 21 have been amended.

Claims 5 and 25-26 have been cancelled.

Claims 27-28 have been added.

Support for the amendments is found in the claims and specification, as originally filed. Claim 1 comprises the limitations of claim 25 and claim 21 comprises the limitations of claim 26. Further support for the amendments can be found in the Examples and page 4, line 29.

Applicants have also filed Figures 3 and 4 requested by the Examiner showing the embodiments in which the filling aid does not have a rigid terminating element (element 4 on Fig. 1 and 2). Thus, Figures 3 and 4 are the same as Figures 1 and 2 except element 4 is not included in Fig. 3-4. Support for the amendments is found on pages 2, line 6, to page 3, line 3, the original claims, and the Examples.

The specification has also been amended to incorporate a description of Figures 3 and 4.

No new matter is believed to have been added. Applicants request that the objection to the drawings and the specification be withdrawn.

Claims 3 and 25-26 are rejected under 35 U.S.C. 112, second paragraph. Claim 3 has been amended to recite "the cross section." Claims 25 and 26 have been cancelled and the limitations of claims 25-26 have been introduced in claims 1 and 21, respectively. It is explained that a charged vertical tube having a bulk density of the packed catalyst particles and a pressure drop lower than the bulk density and the pressure drop of the vertical tube in

which the catalyst particles are introduced without the filling aid for charging the vertical tube having the internal diameter of 50 mm or less with the catalyst particles is obtained.

Applicants request that the rejection be withdrawn.

Claims 1-4, 7-22, and 24 are rejected under 35 U.S.C. 103(a) over Hundtofte et al., US 3,608,751, and James, US 3,749,258.

Claims 6 and 23 are rejected under 35 U.S.C. 103(a) over Hundtofte et al., James, and Bayer et al., EP 0548999. The rejections are traversed because:

(1) the combination of the references does not describe filling a thin tube (50 mm or less), a ratio of the cross sections of the line and the tube being from 0.003 to 0.08, spacers extending perpendicular to the longitudinal direction of the flexible line, and a rigid terminating element attached to the flexible line having density greater than that of the flexible body;

(2) combining the method of Hundtofte et al. and/or Bayer et al. with the James method is technically improper and leads to an inoperable invention; and one would not have expected the Hundtofte and/or Bayer et al. line which has blades or bristles and does not have a rigid terminal element would have worked in the James method;

(3) the combination of the references does not describe a method of obtaining a charged vertical tube having a bulk density of the packed catalyst particles and a pressure drop *lower* than the bulk density and the pressure drop of the vertical tube in which the catalyst particles are introduced without the filling aid for charging the vertical tube having the internal diameter of 50 mm or less with the catalyst particles.; and

(4) an optimum ratio of the line and tube cross sections for a narrow tube of the claimed invention provides an unexpected result.

Hundtofte et al. describe a method of charging a vertical tube having an internal diameter of 75-125 mm and a flexible line held vertically in the tube (fig. 1 and col. 1, lines 64-73). The flexible line has multiple inclined blades (e.g., 30-45° angle to the axis of the line; col. 2, lines 37-40, fig. 1) and is retrieved during the filling process so that it is kept above the catalyst level in the tube (col. 2, lines 14-19).

Hundtofte et al. also discloses that in a free-fall procedure (without a filling aid), a total charge (i.e., support charge and catalyst charge) of 625.75 oz is introduced in a vertical catalyst tube (col. 3, line 72 of Table I.A), whereas in the plain manila-line procedure a total charge of 653.25 oz is introduced (col. 4, line 6 of Table I.B), i.e., the plain manila-line procedure results in a *higher* bulk density of the packed catalyst than the free-fall procedure.

Hundtofte et al. do not describe filling a thin tube (50 mm or less as claimed), a ratio of the cross sections of the line and the tube being from 0.003 to 0.08, and a rigid terminating element attached to the flexible line (claim 5).

Moreover, in the claimed process, it has been found that bulk density of the packed catalyst is *lower* compared to a free-fall procedure (i.e., without a filling aid) and, consequently, the pressure drop is significantly lower than when the catalyst tube is charged without a filling aid. In comparative Example 1, wherein 2160 g of a catalyst are introduced without a filling aid, the average filling height was 373.20 cm (see pages 6-7 of the present specification). In the Example 2, three portions of 720 g catalyst (equaling a total of 2160 g) were introduced into the tube according to the claimed method (see pages 7-8 of the present specification). The average filling height was 383.14 cm. The increased filling height indicates a less dense catalyst packing. The average differential pressure in Example 2 is 72.93 mbar, which is lower than 91.73 mbar in comparative Example 1.

Thus, Hundtofte et al. do not describe that a bulk density of the packed catalyst and a pressure drop is *lower* than that of a free-fall method (i.e., without a filling aid) of charging a thin vertical tube (claims 25-26).

James does not cure the deficiency of Hundtofte et al.

James describes a filling process of a tube having a diameter about 1.5 inches (about 33 mm) (col. 3, last paragraph to col. 4, line 44) and a flexible line without outward extensions except for a terminal plug made (figures). The James line is not retrieved during the filling but is lowered by the catalyst particles loaded on the top of the plug so that the line is not located above the catalyst layer (fig. 1, claim 1). The plug is then melted and the line is withdrawn (claim 1).

Bayer et al. also do not cure the deficiency of Hundtofte et al. and James.

Bayer et al. describes filling a tube having a diameter of 100 mm and a flexible line held vertically inside the tube which is retrieved during the filling with a catalyst (claim 1 and example 1). Contrary to the Examiner's assertion, the bristles in Bayer et al. do have a projection on a plane perpendicular to the longitudinal direction of the filling aid (*see Figures 2-3, wherein the filling line is extremely thin and, therefore, has a small projection*). For example, rings 8, string 9 and strings 7 must have a projection larger than the cross section of line 4.

Bayer et al. do not describe filling a thin tube (50 mm or less as claimed), a ratio of the cross sections of the line and the tube being from 0.003 to 0.08, spacers extending *perpendicular* to the longitudinal direction of the flexible line, a flexible filling line without outward extensions, and a rigid terminating element attached to the flexible line.

Moreover, Bayer et al. do not describe that a bulk density of the packed catalyst and a pressure drop is *lower* than that of a free-fall method (i.e., without a filing aid) of charging a thin vertical tube. For example, in a free-fall column charge the average bulk density is 1.00

kg/l, while in the charge using a filling aid having inclined bristles, the average bulk density is 1.11 kg/l, i.e., a free-fall catalyst charging provides lower bulk density (i.e., the situation is inverted compare to that claimed).

Combining the method of Hundtofte et al. and/or Bayer et al. with the James method is technically improper and leads to an inoperable invention because Hundtofte et al. and Bayer et al. require the line to have outward spacers and to be *always above the catalyst*, while the James line does not have extensions, is lowered by the catalyst and is *always “inside” the catalyst layer*. Therefore, one would not have reasonably expected that the methods of Hundtofte et al. or Bayer et al for “thick” column would have worked for the “thin” James tube. Also, one would not have expected the Hundtofte or Bayer et al line having blades or bristles would have worked in the James method for packing a thin column.

The present specification discloses that the known methods of filling a tube with a catalyst are unsuitable for a tube with a smaller diameter (e.g., smaller than 100 mm) and using a line with blades and/or bristles in a narrow tube is difficult and leads to blocking the tube and enmeshing the catalyst particles (page 1, last paragraph).

In addition, discovering an optimum ratio of the line and tube cross sections for a narrow tube is *not routine* because the inventors surprisingly discovered that in the case of a small tube cross section, a sufficient reduction in the velocity of descent of the catalyst particles can be achieved by an appropriate cross section of the line and that additional damping elements extending outward from the line could lead to enmeshing of the catalyst particles and are not necessary compared to the tube with a greater diameter (page 2, lines 23-29).

While the Examiner admits that James does not explicitly describe the claimed ratio of the line and tube’s diameters, the Examiner is of the opinion that the line is “clearly small” and the ratio is “likely” within the claimed range (*see page 5 of the Official Action*). The

Examiner's speculation that the James line is "clearly small" and "the ratio is likely" within the claimed range, is not sufficient to show that all claimed elements are described in the cited references.

Concerning the rigid terminating element (*see* claim 21), the James plug does not necessarily has density greater than that of the flexible body as claimed. For example, when the filling aid is made of steel (col. 3, line 4), the James plug made of ice (col. 3, lines 54-55) has lower density.

Thus, the combination of references does not make the invention obvious.

Applicants request that the rejections be withdrawn.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Marina I. Miller
Attorney of Record
Registration No. 59,091

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)